

Attention: Advisory Committee on Child Support guidelines  
Meeting: March 12<sup>th</sup>, 2021  
Time: 10:00 am  
Via: Zoom Conference  
Topic: Rule 32

My name is Lee Wood. I would like to say thank you for giving me the opportunity to offer an opinion not on behalf of myself, but on behalf of all non-custodial parents whom these subjects negatively impact.

There are several items in which I would like to address regarding the Rule 32 child support calculation and ask that you take a closer look at when calculating the child support payment formula.

1. Tax exemptions: Rule 32 has the custodial parent taking the federal and state income tax exemptions for the children in his or her custody. I do understand that the non-custodial parent may not get the full benefits that the custodial parent gets because of the 2018 tax reform; however, if child support is based off of gross income/before taxes then it is only fair that the non-custodial parent be allowed to claim the child every other year. Otherwise the net income/after taxes should be used in calculation. Non-custodial parents are being taxed on the money to take care of their child/children while the custodial parent is not paying any taxes as being part of incoming income. In a majority of the cases the non-custodial parent is even being taxed at the higher tax bracket leaving even lesser money to survive on and to provide for the child during their visitation time.

Let us look at all the advantages the custodial parent has gotten/is getting from the government at the moment compared to the non-custodial parent due to the COVID-19 Relief packages. The custodial parent has received \$600 per child in the first two relief packages for a total of \$1,200 per child from President Trump's relief packages. Within the next couple of weeks the custodial parent will receive \$1,400 per child due to President Biden's care package. This bill will expand Child Tax Credit of up to \$3,000 per child paid monthly starting in July. The bill does not give the non-custodial parent any relief at all. As you can see by not allowing the right to split taxes between the custodial parent and the non-custodial parent shows great favoritism.

2. Health-care cost & Step-parent's income: Rule 32 allows a child to be added to a step-parent's health-care policy/family plan policy yet their gross income is not included as part the custodial parent's gross income. If a step-parent is allowed to add a step-child to their health-care cost then why is their income not included in the household income amount? Adding a step-child to a family plan does not increase the premiums. All family plan premiums are the same regardless if you have 2 or 200 covered under the same plan. Now, the non-custodial parent is having extra added into the child support calculation. I understand it is not based off the full family premium amount, but divided by the number of dependents. Still, adding this calculation to the formula as part of child support is not fair. This is an expense amount added to the formula that is not actually being paid out on the child. However, not including the step-parent's gross income with the custodial parent's gross income does allow a significant advantage for the custodial parent. The advantage comes from the child being taken off of the Medicaid program due to the total household income exceeding the allowed amount to be covered under the Medicaid program and adding an additional cost to the child support formula that is not being paid out by the custodial parent. I'm asking the committee to reconsider the adding of a step-

parents income as part of the household income and omitting the cost of insurance under a family health-care plan.

3. Percentage Share of Income: Why is the percentage share of income not equal to both parents? I understand the child is in the home of the custodial parent more, but it is not by the non-custodial parent's choice. The non-custodial parent still has to provide for the child during the visitation allowed. The percentage calculation now does not leave room to provide clothing, shoes, medicine, etc. for both houses. An example: the non-custodial parent's monthly income is \$3,500 and the custodial parent's monthly income is \$2,050 for a gross income of \$5,550. The non-custodial parent is required to pay 63% ( $3500/5550=.63$ ) while the custodial parent is only 37% ( $2050/5550=.37$ ). Once you add child-care and insurance cost the non-custodial monthly child support obligation is \$850 a month for one child. The Appendix to Rule 32-Schedule of Basic Child-Support Obligations pushes the non-custodial parent into poverty and impossible to survive on their own much less provide housing, food or even activities for the child during their visitation time which is exercised. While the custodial parent is able to buy land, have a new home built, drive big fancy SUVs and 4-Wheel/4 Door Trucks, purchase ATV's/UTV's and participate in extracurricular activities with them, and gives the child big luxurious gifts (name brand clothing and shoes, private schooling, beach trips, etc.) because of receiving so much in child support payment. I'm asking that the committee please reconsider how this formula is calculated to a more 50/50 bases. The 50/50 bases would allow the non-custodial parent a little chance of providing for the child during visitation time. At this time the non-custodial parent is set up for failure, financial ruin, and even pushed into being homeless due to being bled dry while the custodial parent has way more than needed.
4. Poverty: Is there not a law that protects the non-custodial parent from being forced into poverty? At the Rule 32 formula rate using a gross monthly income of \$3,500 after being taxed at the higher tax rate and child-support it only leaves the non-custodial parent \$1,300 a month live on. The \$1,300 left is with nothing but taxes and child-support being taken out of the gross income earned. The non-custodial parent cannot even afford health insurance. Standard monthly expenses is \$650 for housing and \$450 for utilities-electric, water, gas, and garbage. These expenses only leaves \$200 for food, telephone, transportation, transportation insurance, and travel. The government will not give any assistants to them saying he/she makes too much money.

In closing I again want to thank you for allowing me this time with the committee. I sincerely hope the committee will take a further look at making changes to the child-support formula with using net verses gross income, tax exemption, health-care cost, step-parents gross income, percentage share of income, and poverty level of a non-custodial parent. As we all are looking out for the best interest of the children.

Sincerely,

*Lee Wood*

Lee Wood

Note – these concerns are based off of joint legal custody but full physical custody